



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,092	11/25/2003	Wendy Axel	2375/25	7164

7590 03/19/2004

Anthony F. Lo Cicero  
Amster, Rothstein & Ebenstein LLP  
90 Park Avenue  
New York, NY 10016

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,092	Applicant(s) AXEL, WENDY	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (U.S. Patent No. 5,263,755). Thompson ('755) discloses a method for restraining at least one object, each having at least one looped handle, comprising the steps of:

providing a snap hook (10) having a C-shaped back (28), a gate (12) pivotally mounted on a first end (34) of the back and selectively in contact with a second end (30) of the back, defining an open and closed position which can be selected by a user, and an elongated grip (portion of handle section 12 gripped by user's hand as shown in Figure 6) disposed about the back having suitable dimensions for grasping by at least one human hand; passing each of the looped handles onto the snap hook while the snap hook is in the open position; closing the snap hook around the looped handles, the grip thereby providing a terminus from which movement of the object can be controlled by the hand of the user; and gripping the grip to thereby hold the object; and

(concerning claim 17) Thompson ('755) further discloses wherein the grip has at least one exaggerated ridge (at carrier section 14) at at least one end of the grip.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Goddard (U.S. Patent No. 5,441,323). Goddard ('323) discloses a method for restraining at least one object, each having at least one looped handle, comprising the steps of:

providing a snap hook (20) having a C-shaped back (portions 22, 40, & 42), a gate (30) pivotally mounted on a first end (24) of the back and selectively in contact with a second end (32) of the back, defining an open and closed position which can be selected by a user, and an elongated grip (40) disposed about the back having suitable dimensions for grasping by at least one human hand; passing each of the looped handles onto the snap hook while the snap hook is

Art Unit: 3677

in the open position; closing the snap hook around the looped handles, the grip thereby providing a terminus from which movement of the object can be controlled by the hand of the user; and gripping the grip to thereby hold the object; and

(concerning claim 17) Goddard ('323) further discloses wherein the grip has at least one exaggerated ridge (contours 44) at at least one end of the grip.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper (U.S. Patent No. 5,855,403). Harper ('403) discloses a method for restraining at least one object, each having at least one looped handle, comprising the steps of:

providing a snap hook (10) having a C-shaped back (portions 11, 20, 25) a gate (26) pivotally mounted on a first end (15) of the back and selectively in contact with a second end (24) of the back, defining an open and closed position which can be selected by a user, and an elongated grip (16 through 19) disposed about the back having suitable dimensions for grasping by at least one human hand; passing each of the looped handles onto the snap hook while the snap hook is in the open position; closing the snap hook around the looped handles, the grip thereby providing a terminus from which movement of the object can be controlled by the hand of the user; and gripping the grip to thereby hold the object; and

(concerning claim 17) Harper ('403) further discloses wherein the grip has at least one exaggerated ridge (19) at at least one end of the grip.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Parry et al. (U.S. Patent No. 4,772,059). Parry et al. ('059) discloses a method for restraining at least one object, each having at least one looped handle, comprising the steps of:

providing a snap hook (1A) having a C-shaped back (defined by portions 3, 5, 7, & 9), a gate (13) pivotally mounted on a first end (9) of the back and selectively in contact with a second end (9) of the back, defining an open and closed position which can be selected by a user, and an elongated grip (3) disposed about the back having suitable dimensions for grasping by at least one human hand; passing each of the looped handles onto the snap hook while the snap hook is in the open position; closing the snap hook around the looped handles, the grip thereby providing

Art Unit: 3677

a terminus from which movement of the object can be controlled by the hand of the user; and gripping the grip to thereby hold the object; and

(concerning claim 17) Parry et al. ('059) further discloses wherein the grip has at least one exaggerated ridge (top outer flange portion of grip 3 above a web portion of the handle 3) at at least one end of the grip.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seibel (U.S. Patent No. 5,904,388), Robinson et al. (U.S. Patent No. 5,697,661), Harris et al. (U.S. Patent Nos. 5,361,726 and 5,517,949), and Miller, Jr. (U.S. Patent No. 6,347,822) each show snap hook structure for carrying looped portions of an article to carry. Kerry et al. (U.S. Patent No. 5,735,019) and Zirella (U.S. Patent No. 6,405,409) each teach grip structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677